



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 4229-00
21 August 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that on 13 February 1998, the Physical Evaluation Board found you fit for duty, notwithstanding your diagnoses of back and neck pain and arthralgia. You were discharged from the Navy on 3 September 1998 based on your repeated failure to meet physical readiness test (PRT) standards.

Although you suffered from a number of medical conditions during your naval service, there is no indication in your record that you were unfit by reason of physical disability at the time of your discharge. In addition to being found fit by the PEB, you underwent a pre-separation physical examination on 17 August 1998, and were found fit for discharge. Your recent diagnosis of asthma and receipt of compensation from the Department of Veterans Affairs (VA) for that condition, do not demonstrate that the finding of fitness was erroneous or unjust, because you have not demonstrated that you were unfit for duty because of that condition. In this regard, it should be noted that unlike the VA, which rates all conditions it classifies as "service connected", the Navy assigns ratings only in those cases where the service member has been found unfit to perform the duties of his or her office, grade, rank

or rating by reason of physical disability.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director